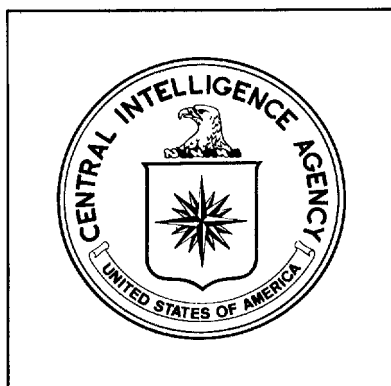


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C O N T E N T S

December 30, 1975

Fishing in Troubled Waters: Tokyo
Reconsiders the Twelve-Mile Limit. 1

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Fishing in Troubled Waters: Tokyo
Reconsiders the Twelve Mile Limit

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Japan's coastal fishermen are once again pressuring the government to declare a twelve-mile limit. Despite the recent expansion in Soviet fishing operations off Japanese shores, the government is concerned that any unilateral extension of its territorial waters would damage its position in the coming round of negotiations on the Law of the Sea (LOS). At this conference Tokyo will argue for liberal access to global maritime resources. Equally important, moreover, is Tokyo's concern that establishment of a twelve-mile limit would convert the international straits through the Japanese islands into territorial waters and complicate the ticklish nuclear transit issue--a domestic political problem that the ruling Liberal Democrats wish to avoid in the coming election year.

Contending Views

Japan's fishing industry--one of the world's largest and most productive--is itself divided over the question of extending Japanese territorial waters. The split mirrors the industry's divergent operating areas and economic interests. On the one hand, the long distance fishing companies oppose extending the three-mile limit. Their wide-ranging operations provide nearly half of Japan's annual 10-million ton catch. Led by the Japan Fishing Association, they argue that any move to extend the limit would add momentum to the international trend, particularly among developing countries, toward curbing international access to lucrative fishing grounds as well as other maritime resources. Coastal fishermen, on the other hand, contend that a twelve-mile limit is necessary to protect their traditional territory from increasing Soviet incursions. The coastal fisher-

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men, fishing the waters surrounding northern Japan where Soviet competition is the most intense, account for about 25 percent of the industry's annual catch.

The government has tried to assuage local complaints. As a result of lobbying by the coastal fishermen, for example, Tokyo concluded a fisheries agreement with Moscow last June designed to help settle numerous Japanese claims against Soviet fishing ships for damages to Japanese fishing equipment. The problem is by no means insignificant; last season damage claims exceeded \$800,000 in Hokkaido alone, and the claims are on the rise again this year.

Moscow's expansion of its fishing operations off the Japanese coast over the past two years has given the fishermen's case a decided boost and reinvigorated the demand of the local fishing lobby for extending the three-mile limit. This lobby has significant political clout, actively lobbying in government as well as party circles. Coastal fishermen, organized into cooperative and industry associations, represent more than 400,000 of the fishing industry's 500,000 workers and are heavily concentrated in the traditional conservative party strongholds of Hokkaido and northern Honshu. Earlier this month, for example, the National Federation of Fishing Cooperatives made its presence felt in Tokyo when it held a 10,000 delegate convention, and *Zengyoren*, the All-Japan Fisheries League which represents coastal fishing interests, solicited and won the unanimous support of the opposition parties for a twelve-mile limit.

Local Pressures vs. National Interests

But local fishing interests are only one factor in official calculations, and Tokyo's approach to the twelve-mile limit will be shaped as much by international as domestic considerations. The Japanese are prepared to support a twelve-mile limit in current LOS negotiations, provided all countries are given

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access to fishing resources and the right of passage through vital international straits that fall inside these expanded territorial seas. With the next LOS conference scheduled for this March, Tokyo is obviously reluctant to deny itself one of its few bargaining levers--accession to the twelve-mile line--without achieving some satisfaction for its economic interests as a global maritime power.

Japan, moreover, is unlikely to take any unilateral action at this time. The major states participating in last May's LOS session tacitly agreed to refrain from adopting independent policies outside the negotiations. Tokyo's unilateral extension of its territorial waters would do little to bolster its arguments against similar moves by other states--particularly on the far more costly question of 200-mile economic zones.

Aside from their negotiating tactics and economic interests at the LOS, the Japanese are concerned over the impact of the twelve-mile limit on their non-nuclear principles--one of which is Japan's long-standing national policy prohibiting the presence of nuclear weapons in territorial waters. With a twelve-mile limit, a number of now international passages through the Japanese islands including the Tsugaru Straits--the waterway between Hokkaido and Honshu linking the Sea of Japan and the Pacific--would become territorial waters. The change would presumably bring nuclear-armed US and Soviet vessels traveling the straits in conflict with Japan's non-nuclear policy.

Mindful that public attention and the opposition have focused on the question, the government at this stage is being deliberately vague. Prime Minister Miki in the Diet earlier this month stressed that the issue of free passage through international straits is a problem for the LOS conference, and that "in any case the three non-nuclear principles would not be violated in the

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areas over which Japan's authority extends." The Prime Minister's remarks--despite their ambiguity--imply that Tokyo will argue that international law takes precedence over domestic policy, and that Japan's ability to insist on compliance with its non-nuclear principles will be limited by internationally accorded rights of passage, agreed on at the LOS.

Buying Time

Government caution will certainly continue until after the March LOS conference. Tokyo could be considering alternative measures to defuse the controversy, such as declaring its intention to establish a twelve-mile fisheries zone. While government officials admit that such a declaration has dubious value under international law--and would also presumably permit some Soviet access to the zone on the basis of their past presence in Japanese waters--the tactic would finesse the nuclear issue while making the government appear responsive to domestic interests.

Tokyo could offer even more substantial concessions, such as announcing its intention to extend the territorial seas at the next Diet session in January. Such a move would be more effective in alleviating pressures from the fishing industry without much more risk to the government. The bill would quietly sit in the Diet without action pending the outcome of the LOS conference.

Whatever their future policy decision, conservative party and government officials have yet to reach a consensus. Foreign Minister Miyazawa, for his part, has already indicated that the government could not introduce necessary legislation for extending the territorial sea until May, a view apparently shared by other government leaders. The fishing industry's lobbying campaign will undoubtedly intensify in the coming months as Soviet fleets move farther south along the coast, but so far Tokyo seems resolved only to contain domestic pressures.

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